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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ERIN ROBERTSON, individually
11 and on behalf of all others similarly
12 situated,

13 Plaintiff,

14 v.

15 COVERAGEX, LLC,

16 Defendant.
17

Case No.

Class Action

JURY TRIAL DEMAND

18 Plaintiff Erin Robertson by her undersigned counsel, for this class action
19 complaint against Defendant CoverageX, LLC (“CoverageX”) and their present,
20 former and future direct and indirect parent companies, subsidiaries, affiliates,
21 agents and related entities, allege as follows:
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23
24 **I. INTRODUCTION**

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26 1. Nature of Action: “Telemarketing calls are intrusive. A great many
27 people object to these calls, which interfere with their lives, tie up their phone
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1 lines, and cause confusion and disruption on phone records. Faced with growing
2 public criticism of abusive telephone marketing practices, Congress enacted
3 the Telephone Consumer Protection Act of 1991. Pub. L. No. 102-243, 105 Stat.
4 2394 (1991) (codified at 47 U.S.C. § 227). As Congress explained, the law was a
5 response to Americans ‘outraged over the proliferation of intrusive, nuisance calls
6 to their homes from telemarketers’ *id.* § 2(6), and sought to strike a balance
7 between ‘[i]ndividuals’ privacy rights, public safety interests, and commercial
8 freedoms’ *id.* § 2(9).

12 2. “The law opted for a consumer-driven process that would allow
13 objecting individuals to prevent unwanted calls to their homes. The result of the
14 telemarketing regulations was the national Do-Not-Call registry. *See* 47 C.F.R. §
15 64.1200(c)(2). Within the federal government’s web of indecipherable acronyms
16 and byzantine programs, the Do-Not-Call registry stands out as a model of clarity.
17 It means what it says. If a person wishes to no longer receive telephone
18 solicitations, he can add his number to the list. The TCPA then restricts the
19 telephone solicitations that can be made to that number. *See id.*; 16 C.F.R. §
20 310.4(b)(iii)(B) (‘It is an abusive telemarketing act or practice and a violation of
21 this Rule for a telemarketer to . . . initiat[e] any outbound telephone call to a person
22 when . . . [t]hat person’s telephone number is on the “do-not-call” registry,
23 maintained by the Commission.’)...Private suits can seek either monetary or
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1 injunctive relief. *Id.*... This private cause of action is a straightforward provision
2 designed to achieve a straightforward result. Congress enacted the law to protect
3 against invasions of privacy that were harming people. The law empowers each
4 person to protect his own personal rights. Violations of the law are clear, as is the
5 remedy. Put simply, the TCPA affords relief to those persons who, despite efforts
6 to avoid it, have suffered an intrusion upon their domestic peace.” *Krakauer v.*
7
8 *Dish Network, L.L.C.*, 925 F.3d 643, 649-50 (4th Cir. 2019).

9
10 3. Plaintiff, individually and as class representative for all others
11 similarly situated, brings this action against CoverageX for violations of the
12 Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) for making
13 telemarketing calls to numbers on the National Do Not Call Registry, including her
14 own.
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17 4. Because telemarketing campaigns generally place calls to thousands
18 or even millions of potential customers *en masse*, Plaintiff brings this action on
19 behalf of a proposed nationwide class of other persons who received illegal
20 telemarketing calls from or on behalf of Defendant.
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23 II. PARTIES

24 5. Plaintiff is an individual.

25 6. Defendant CoverageX, LLC is a limited liability company with its
26 principal place of business located in this District.
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III. JURISDICTION AND VENUE

7. Jurisdiction. This Court has federal-question subject matter jurisdiction over Plaintiff's TCPA claims pursuant to 28 U.S.C. § 1331 because the TCPA is a federal statute. 47 U.S.C. § 227; *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 372 (2012).

8. Personal Jurisdiction: This Court has personal jurisdiction over Defendant because they are located in this District.

9. Venue: Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(1)-(2) because a substantial part of the events giving rise to Plaintiff's claims—namely, the illegal telemarketing at issue—occurred from this District.

IV. FACTS

A. The Enactment of the TCPA and its Regulations

10. In 1991, Congress enacted the TCPA in response to a growing number of consumer complaints regarding certain telemarketing practices.

11. § 227(c) of the TCPA requires the FCC to “initiate a rulemaking proceeding concerning the need to protect residential telephone subscribers’ privacy rights to avoid receiving telephone solicitations to which they object.” 47 U.S.C. § 227(c)(1).

12. The National Do Not Call Registry allows consumers to register their telephone numbers and thereby indicate their desire not to receive telephone solicitations at those numbers. *See* 47 C.F.R. § 64.1200(c)(2).

1 13. A listing on the Registry “must be honored indefinitely, or until the
2 registration is cancelled by the consumer or the telephone number is removed by
3 the database administrator.” *Id.*
4

5 14. The TCPA and implementing regulations prohibit the initiation of
6 telephone solicitations to residential telephone subscribers to the Registry and
7 provides a private right of action against any entity that makes those calls, or “on
8 whose behalf” such calls are made. 47 U.S.C. § 227(c)(5); 47 C.F.R.
9 § 64.1200(c)(2).
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11

12 **B. Defendant’s Unsolicited Telemarketing to Plaintiff**
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14 15. Plaintiff is, and at all times mentioned herein was, a “person” as
15 defined by 47 U.S.C. § 153(39).
16

17 16. CoverageX offers extended automobile warranties.
18

19 17. To generate customers, CustomeX relies on telemarketing.
20

21 18. Plaintiff’s telephone number, (XXX) XXX-4337, is a non-commercial
22 telephone number not associated with any business.
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24 19. Plaintiff’s telephone number, (XXX) XXX-4337, is used for personal
25 residential purposes only.
26

27 20. Plaintiff’s telephone number has been listed on the National Do Not
28 Call Registry since 2023.

1 21. The number is a residential telephone line because it is assigned to a
2 telephone exchange service for consumers and is not assigned to a telephone
3 exchange service for businesses.
4

5 22. Plaintiff never consented to receive calls from CoverageX.

6 23. Plaintiff never did business with CoverageX.
7

8 24. Despite that, Ms. Robertson received at least two text messages from
9 the Defendant, including on May 15 and June 14, 2024.
10

11 25. The text of the messages are below:

12 May 15

13 Hello Igbinosa, from Coverage.
14 I'd like to remind you about the service coverage for your car needs
15 attention. Kindly call us at +18882313202 and send your vehicle's
16 mileage along with the customer ID: CVX-7756244337

17 June 14

18 Greetings Igbinosa. I'd like to remind you about the mechanical
19 coverage for your car is due for a review. Please call us at
20 +18882313202 and share your car's mileage along with the customer
21 ID: CVX-7756244337

22 26. The text messages were sent with an intent to offer the Plaintiff an
23 automobile warranty.

24 27. The Plaintiff is not Igbinosa and has no affiliation with that individual.

25 28. The Plaintiff was not interested in the offering.
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1 29. The Plaintiff is alleging that CoverageX directly made the calls at
2 issue.

3 30. Both calls came from the same Caller ID, 205-316-2247.

4 31. Prior to this lawsuit, the Plaintiff's counsel wrote to the Defendant
5 regarding the telemarketing calls.
6

7 32. The Defendant did not deny making telemarketing calls to the
8 Plaintiff.
9

10 33. The telemarketing alleged herein: (A) invaded Plaintiff's privacy and
11 solitude; (B) wasted Plaintiff's time; (C) annoyed Plaintiff; (D) tied up Plaintiff's
12 phone line; and (E) harassed Plaintiff.
13

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15 **V. CLASS ACTION ALLEGATIONS**

16 34. Class Definition. Pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3),
17 Plaintiff brings this case on behalf of the Class (the "Class") defined as follows:
18

19 **National Do Not Call Registry Class:** All persons in the United
20 States whose (1) residential telephone numbers were on the National
21 Do Not Call Registry for at least 31 days, (2) but who received more
22 than one telemarketing call from or on behalf of Defendant, (3) within
23 a 12-month period, (4) at any time in the period that begins four years
24 before the date of filing this Complaint to trial.

25 35. Excluded from the Class are counsel, Defendant, any entities in
26 which Defendant has a controlling interest, Defendant's agents and employees, any
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1 judge to whom this action is assigned, and any member of such judge's staff and
2 immediate family.

3 36. The Class, as defined above, is identifiable through telephone records
4 and telephone number databases.

5 37. The potential members of the Class likely number at least in the
6 hundreds because of the *en masse* nature of telemarketing calls.

7 38. Individual joinder of these persons is impracticable.

8 39. Additionally, the disposition of the claims in a class action will
9 provide substantial benefit to the parties and the Court in avoiding a multiplicity of
10 identical suits.

11 40. Plaintiff is a member of the Class and will fairly and adequately
12 represent and protect the interests of the Class as she has no interests that conflict
13 with any of the class members.

14 41. Plaintiff and all members of the Class have been harmed by the acts of
15 Defendant, including, but not limited to, the invasion of their privacy, annoyance,
16 waste of time, and the intrusion on their telephone that occupied it from receiving
17 legitimate communications.

18 42. This class action complaint seeks injunctive relief and money
19 damages.

1 43. There are numerous questions of law and fact common to Plaintiff and
2 members of the Class. These common questions of law and fact include, but are
3 not limited to, the following:
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5 a. whether Defendant systematically made multiple telephone
6 calls to members of the National Do Not Call Registry Class;
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8 b. whether Defendant made calls to Plaintiff and members of the
9 National Do Not Call Registry Class without first obtaining prior express written
10 consent to make the calls; and
11

12 c. whether members of the Class are entitled to treble damages
13 based on the willfulness of Defendant's conduct.
14

15 44. Plaintiff's claims are typical of the claims of the Class.

16 45. Plaintiff's claims, like the claims of Class, arise out of the same
17 common course of conduct by Defendant and are based on the same legal and
18 remedial theories.
19

20 46. Plaintiff is an adequate representative of the Class because her
21 interests do not conflict with the interests of the Class, she will fairly and
22 adequately protect the interests of the Class, and she is represented by counsel
23 skilled and experienced in class actions, including TCPA class actions.
24

25 47. Common questions of law and fact predominate over questions
26 affecting only individual class members, and a class action is the superior method
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1 for fair and efficient adjudication of the controversy. The only individual question
2 concerns identification of class members, which will be ascertainable from records
3 maintained by Defendant and/or its agents.
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5 48. A class action is the superior method for the fair and efficient
6 adjudication of this controversy. Class-wide relief is essential to compel Defendant
7 to comply with the TCPA. The interests of individual members of the Class in
8 individually controlling the prosecution of separate claims against Defendant are
9 small because the damages in an individual action for violation of the TCPA are
10 small. Management of these claims is likely to present significantly more
11 difficulties than are presented in many class claims. Class treatment is superior to
12 multiple individual suits or piecemeal litigation because it conserves judicial
13 resources, promotes consistency and efficiency of adjudication, provides a forum
14 for small claimants, and deters illegal activities. There will be no significant
15 difficulty in the management of this case as a class action.
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20 49. Defendant has acted on grounds generally applicable to the Class,
21 thereby making final injunctive relief and corresponding declaratory relief with
22 respect to the Class appropriate on a class-wide basis. Moreover, on information
23 and belief, Plaintiff alleges that the telephone solicitation calls made by Defendant
24 and/or its affiliates, agents, and/or other persons or entities acting on Defendant's
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1 behalf that are complained of herein are substantially likely to continue in the
2 future if an injunction is not entered.
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4 **FIRST CAUSE OF ACTION**
5 **Telephone Consumer Protection Act**
6 **Violations of 47 U.S.C. § 227(c)(5) & 47 C.F.R. § 64.1200(c)**
7 **(On Behalf of Plaintiff and the National Do Not Call Registry Class)**

8 50. Plaintiff repeats the prior allegations of this Complaint and
9 incorporates them by reference herein.

10 51. The foregoing acts and omissions of Defendant constitute numerous
11 and multiple violations of the TCPA, 47 U.S.C. § 227, by making telemarketing
12 calls, except for emergency purposes, to Plaintiff and members of the National Do
13 Not Call Registry Class despite their numbers being on the National Do Not Call
14 Registry.
15

16 52. Defendant's violations were negligent, willful, or knowing.
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18 53. As a result of Defendant's violations of the TCPA, 47 U.S.C. § 227,
19 Plaintiff and members of the National Do Not Call Registry Class are
20 presumptively entitled to an award of between \$500 and \$1,500 in damages for
21 each call made.
22

23 54. Plaintiff and the members of the National Do Not Call Registry Class
24 are also entitled to and do seek injunctive relief prohibiting Defendant and/or its
25 affiliates, agents, and/or other persons or entities acting on Defendant's behalf
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1 from making telemarketing calls to telephone numbers registered on the National
2 Do Not Call Registry, except for emergency purposes, in the future.

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4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for
6 the following relief:
7

- 8 A. Certification of the proposed Class;
9
10 B. Appointment of Plaintiff as representative of the Class;
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12 C. Appointment of the undersigned counsel as counsel for the Class;
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14 D. A declaration that Defendant and/or its affiliates, agents, and/or other
related entities' actions complained of herein violated the TCPA;
15
16 E. An order enjoining Defendant and/or its affiliates, agents, and/or other
17 persons or entities acting on Defendant's behalf from making telemarketing calls to
18 numbers on the National Do Not Call Registry, absent an emergency circumstance;
19
20 F. An award to Plaintiff and the Class of damages, as allowed by law;
21 and
22
23 G. Orders granting such other and further relief as the Court deems
24 necessary, just, and proper.

25 **VI. DEMAND FOR JURY**

26 Plaintiff demands a trial by jury for all issues so triable.
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1 Dated: August 9, 2024 PLAINTIFF, individually and on behalf of all
2 others similarly situated,

3 By: /s/ Rachel E. Kaufman

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